

Sinclair
Broadcasting's
decision to force
their stations to
air an anti-Kerry
documentary only
days before the
election is a clear
example of the
dangers of media
consolidation.

Sinclair uses the
public airwaves free
of charge, and is
obligated by law to
serve the public
interest. The
public, of course,
includes both
extremes of the
political spectrum
and everyone in
between.

Airing material in
prime time that
favors or disfavors
a candidate in an
election only weeks
away constitutes a
de facto political
commercial in favor
of a positively
portrayed individual
or against a
candidate portrayed
in a negative light.

Events which
occurred 30 years
ago are not, in the
normal definition of
the word, considered
"news." Even if
presenting the
testimony of persons
who have withheld
their views for 30
years, a film would
not be news.
Indeed, there must
be an a priori
suspicion that old
memories suddenly
revived just weeks
before an election
may be politically
motivated.

As you know, both
candidates for
president of the
United States are
bound by law to

spend no more than \$75 million (all public money) on political ads between the times of their nominations and Election Day. This law was passed to assure fairness in the last moments of a campaign.

You may know also that political action committees termed "527" groups are permitted to run ads favoring a candidate if (1) they do not coordinate with the favored candidate's organization and (2) they raise money for their ads according to certain rules limiting the size of the contributions of individual donors. Within these constraints, imposed by law, such 527 groups have a difficult time soliciting sufficient funds to run a single 30-second spot ad a few times a day on several dozen TV stations for a week.

The one-hour film, negative to John Kerry, that Sinclair Broadcasting proposes to run just before the election would seem to be an egregious circumvention of the laws governing 527's, unless (1) Sinclair Broadcasting is a registered 527 PAC and (2) the full price of this air time can be demonstrated to have been paid by funds raised in small parcels according to the law.

I do not believe that these laws can be circumvented by simply declaring the program to be "news."

Thirty-year-old material is not so new that it couldn't be held until after the election -- just as CBS has chosen to withhold (in craven disregard for voter need to know) the evidence gathered by Ed Bradley that the documents cited as the administration's justification for the invasion of Iraq may have been forged (THIS is REAL news!).

If the FEC has a vision that material functionally serving as political ads can be aired only weeks before a presidential election, unrestrained by the constraints it has placed on 527 groups, this vision should be codified and made known to both political parties well before the first of any such corporate-funded hour-long ads are permitted to air. Even then, I would urge the FEC to impose a strict "equal time" rule on each and every station running such an ad.

In the end, I would say the three weeks before an election is simply too short a time to make new rules. In any event, it should be the FEC, and not Sinclair Broadcasting, that makes the ruling and

has the final word.

Sincerely, David L.
Griscom